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12	iPhone Cellular Phone with Target Telephone Number 360-591-1088
13	1 (united 300-371-1000

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Magistrate Judge Christel

## DISTRICT COURT FOR THE TRICT OF WASHINGTON T TACOMA

NO. MJ17-5137

**GOVERNMENT'S** MOTION TO UNSEAL SEARCH WARRANT RELATED MATERIALS WITH LIMITED REDACTION AND **ORDER** 

The United States of America, by and through Brian T. Moran, United States Attorney for the Western District of Washington, and Justin W. Arnold, Assistant United States Attorney for said District, requests entry of an order unsealing the search warrant, application, affidavit in support, Exhibit 1, and accompanying return ("search warrant and related materials") filed in the above captioned matter, with one limited redaction to protect the identity of a civilian not charged in this case. The Court previously directed that the search warrant and related materials be sealed at the government's request. The materials were to remain sealed until further order of the Court.

The law provides that search warrant related materials may remain under seal during the pendency of an investigation. See United States v. Custer Battlefield Museum, 658 F.3d 1188, 1192-93 and 1196 (9th Cir. 2011). In addition, the government may seek an order continuing to maintain the materials under seal even after the return of an

indictment or the closure of an investigation based on compelling reasons. *Id. at 1195*. 2 Those reasons can include the need to (1) protect the identity and safety of witnesses, (2) 3 protect the integrity of other investigations, (3) avoid risk of flight, tampering with 4 witnesses, or destruction of evidence, (4) protect a national security concern, (5) protect a 5 matter occurring before the grand jury, (6) protect victims, or (7) protect the safety of the 6 target of the investigation. 7 Upon review of the files in this matter, and with due consideration of the factors 8 identified above, the government has determined there is no longer a compelling reason 9 to maintain the materials under seal and respectfully requests entry of the attached order. 10 DATED this 23rd day of July, 2020. 11 Respectfully submitted, 12 13 BRIAN T. MORAN United States Attorney 14 15 /s/ Justin W. Arnold 16 JUSTIN W. ARNOLD 17 Assistant United States Attorney United States Attorney's Office 18 700 Stewart Street, Suite 5220 19 Seattle, WA 98101-1271 Telephone: (206) 553-7970 20 Fax: (206) 553-0885 21 E-mail: Justin.Arnold@usdoj.gov 22 23 24 25 26 27 28

**ORDER** Based upon the government's Motion, and the representations made therein, the Government's Motion to Unseal is GRANTED. IT IS HEREBY ORDERED that the search warrant, application, affidavit in support and accompanying return previously filed under seal in the above-captioned matter shall be UNSEALED. DATED this 23<sup>nd</sup> day of July, 2020. Sw Christel DAVID W. CHRISTEL United States Magistrate Judge